

REMARKS/ARGUMENTS

The Office Action dated April 23, 2004 has been received and carefully considered. In this response, claims 1, 8, 19, and 32 have been amended, and claim 32 has been added, claims 14-17 have been canceled. Claim 8 has been amended to remove typographical errors. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the amendments and remarks herein.

Claim 1

Claim 1 has been rejected by the Examiner under section 102 as anticipated by either Long or Xiang. Claim 1 has been amended to recite etching said dielectric spacer layer without the use of a sacrificial forming spacer to form L-shaped spacers for the gate structure, the L-shaped spacers including a first L-shaped spacer immediately adjacent to a first sidewall of the gate structure and a second L-shaped spacer immediately adjacent to a second sidewall of the gate structure. Neither Long nor Xiang disclose a first and second L-shaped spacer as recited in amended claim 1. Therefore, in that neither Long or Xiang disclose each and every element of claim 1, withdrawal of the rejections of claim 1 under § 102 based on either Long or Xiang is respectfully requested. Moreover, each of the claims depending from claim 1, by virtue of their dependency from claim 1, do not disclose each and every each and every limitation recited and withdrawal of their rejections is respectfully requested. In addition, those claims depending from claim 1 disclose additional non-obvious subject matter. For example, claim 8 recites a horizontal portion of the L-shaped spacers having bulging profiles varying gradually in thickness from a maximum thickness immediately adjacent the vertical portion of the L-shaped spacer to a portion of the L-shaped spacer furthest from the vertical-portion of the L-shaped spacer, wherein the horizontal portion varies gradually to provide for an average thickness of the L-shaped portion that is 50 to 85 percent of the maximum thickness. This limitation has not been disclosed or suggested by any combination of cited references.

Claim 18

Claim 18 recites anisotropically etching said dielectric spacer layer without the use of a sacrificial forming layer to form L-shaped spacers, said L-shaped spacers having vertical portions and a horizontal portion, wherein the horizontal portion varies gradually in thickness from a maximum thickness immediately adjacent the vertical portion of the L-shaped spacer to a portion of the L-shaped spacer furthest from the vertical-portion of the L-shaped spacer, wherein the horizontal portion varies gradually to provide for an average thickness of the L-shaped portion that is 50 to 85 percent of the maximum thickness. (Emphasis added)

Claim 18 has been rejected by the Examiner under section 103 as obvious by Long in view of Haskell. In its rejection, the Examiner relies upon the claim 1 rejection based on Long as disclosing the above emphasized portions of claim 18. However, the emphasized portion are not disclosed or suggested, alone or in combination, by Long or Haskell. In that the limitation are not disclosed or suggested, alone or in combination, claim 18 is necessarily non-obvious. For at least this reason, withdrawal of the rejection of claim 18 under § 103 based on Long and Haskell is respectfully requested. Moreover, each of the claims depending from claim 18, by virtue of their dependency from claim 18, are non-obvious, and withdrawal of their rejections is respectfully requested.

Claim 18 has been rejected by the Examiner under section 103 as obvious by Long in view of Xiang. However, Xiang is a prior art reference under section 102(e), and was subject to an obligation of assignment to the same person at the time of invention. For at least this reason, withdrawal of the rejection of claim 18 under § 103, as based on Long and Xiang is respectfully requested.

Claim 19

Claim 19 has been rejected by the Examiner under section 102 as anticipated by either Long or Xiang. Claim 19 has been amended to recite forming a dielectric spacer layer over the semiconductor substrate having a first exposed surface portion adjacent a first sidewall of the gate structure and a second exposed surface portion adjacent a second sidewall of the gate structure, and etching said first and second exposed surface portions of the dielectric spacer layer to form first and second L-shaped spacers for the gate structure. (Emphasis added).

Neither Long nor Xiang disclose a first and second L-shaped spacer as recited in amended claim 19. Therefore, in that neither Long nor Xiang disclose each and every element of claim 19, withdrawal of the rejections of claim under § 102 based on Long and Xiang is respectfully requested. Moreover, each of the claims depending from claim 19, by virtue of their dependency from claim 19, do not disclose each and every each and every limitation recited and withdrawal of their rejections is respectfully requested. In addition, those claims depending from claim 19 disclose additional non-obvious subject matter.

Claim 32

Claim 32 has been rejected by the Examiner under section 102 as anticipated by either Long or Xiang. Claim 32 has been amended to recite etching said dielectric spacer layer, prior to forming any layer overlying the dielectric layer, to form L-shaped spacers associated with the gate structure, the L-shaped spacers including a first L-shaped spacer immediately adjacent to a first sidewall of the gate structure and a second L-shaped spacer immediately adjacent to a second sidewall of the gate structure. (Emphasis added). However, Neither Long nor Xiang disclose a first and second L-shaped spacer as recited in amended claim 32. Therefore, in that neither Long nor Xiang disclose each and every element of claim 32, withdrawal of the rejections of claim under § 102 based on Long and Xiang is respectfully requested. Moreover, each of the claims depending from claim 32, by virtue of their dependency from claim 32 do not disclose each and every each and every limitation recited and withdrawal of their rejections is respectfully requested. In addition, those claims depending from claim 32 disclose additional non-obvious subject matter.

Claim 33

Claim 8, as presented in the previous Office Action, has been rewritten in independent form as new claim 33, and was rejected as by the Examiner under section 102 as anticipated by either Long or Xiang. With respect to either Long or Xiang, a bulging profile varying gradually in thickness from a maximum thickness immediately adjacent the vertical portion of the L-shaped spacer to a portion of the L-shaped spacer furthest from the vertical-portion of the L-

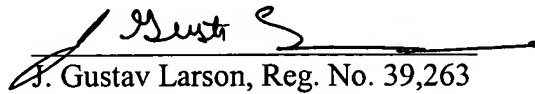
shaped spacer, wherein the horizontal portion varies gradually to provide for an average thickness of the L-shaped portion that is 50 to 85 percent of the maximum thickness is not disclosed. The Examiner is respectfully requested to further clarify the recited limitations as disclosed by Long or Xiang, or withdraw of the rejections of claim 33, previous claim 8, under section 102.

Conclusion

If for any reason the Office is unable to allow the application on the next Office Action, and feels a telephone conference would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date


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